

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

IN RE: JANE ATKINSON TRUMP, O.D.
License No.: 0601-001336

Case 1992-02149

ORDER

Pursuant to §§ 9-6.14:12, 54.1-110 and 54.1-2400(9) of the Code of Virginia (1950), as amended, a formal administrative hearing of the Virginia Board of Optometry ("Board"), composed of a quorum of the members of the Board, was held on August 30, 1995 in Henrico County, Virginia. The purpose of the formal hearing was to receive and act upon evidence concerning the allegations in the Notice of Hearing dated June 27, 1995. Dr. Trump appeared in person and was represented by James E. Moore, Esquire. The case was prosecuted by Clyde W. Mathews, Jr., Assistant Attorney General. Howard Casway, Assistant Attorney General, was present as legal counsel for the Board.

Upon consideration of the evidence presented, the Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jane A. Trump, O.D., holds license number 0601-001336 issued by the Virginia Board of Optometry.
2. Dr. Trump, during the period from October 1990 to the present time, has been employed and received compensation from Joseph S. Galeski O.D., & Associates, P.C. ("P.C."). Dr. Trump has practiced during the period in question as an employee of the P.C., which in turn has leased space from Rebound Inc. of Virginia, t/a Traylor Optical Co. (formerly Galeski Optical, Co., t/a Traylor Optical, Co.) at its Hilltop East Shopping Center ("Hilltop") location, Virginia Beach,

Virginia.

3. Traylor Optical Co. employees Dr. Trump indirectly through the P.C. at Hilltop under the erroneous belief that it does so as a "grandfathered" location in accordance with § 54.1-3205(B), when in fact it is not entitled to do so.

4. In addition, Traylor Optical Co.'s employment of Dr. Trump through the P.C. fails to comply with the terms of a Settlement Agreement entered into by the Board, the Virginia Optometric Association and Galeski Optical Co., dated January 5, 1987, in that Traylor Optical Co.'s location, at Hilltop does not constitute a "grandfathered" relocation of the former office of Galeski Optical Co. at Pembroke Meadows Shopping Center, Norfolk, Virginia, as it is not a new location and it is more than five (5) miles from the former Pembroke Meadows location, in violation of Term 1 of the January 5, 1987 Settlement Agreement.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Jane A. Trump, O.D., has violated § 54.1-3205(A) and (B) of the Code of Virginia (1950), as amended.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Jane A. Trump, O.D., cease and desist from practicing in violation of § 54.1-3205(A) and (B) as an employee of the P.C. at the Traylor Optical Co.'s Hilltop location.

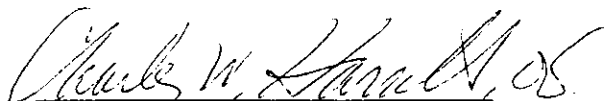
As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Trump has thirty (30) days from the date she actually receives this decision or the date it is mailed to her, whichever occurs first, within which to appeal this decision by filing a Notice of Appeal with Elizabeth A. Carter, Ph.D., Executive Director, Virginia Board of Optometry. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made

J. Trump

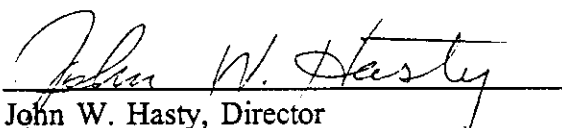
available for public release, inspection and copying upon request.

FOR THE BOARD:


Charles W. Harrill, O.D., President

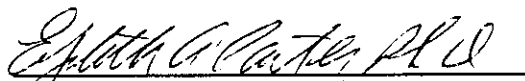
ENTERED: 10/18/95

RECEIVED: Oct 23, 1995

BY: 
John W. Hasty, Director
Department of Health Professions

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to Jane A. Trump, O.D., at 348 Westover Avenue, Norfolk, Virginia 23507 on the 23rd day of October, 1995.


Executive Director
Board of Optometry

APD:TRUMP.FBO